

tute a sufficient answer to it; such a one as entitles them to rest their defence upon, by way of answer, without making any farther disclosures, and also to a dissolution of the injunction.

If these positions are well founded, then indeed the defendants must be allowed all the benefit they claim from them. But although it may be admitted, that these allegations would, at the hearing, if sustained by proof, constitute a complete defence against the pretensions of the plaintiff, yet at this stage of the controversy they present other considerations, and involve principles of a different complexion.

I have never before been called upon to consider these positions; and on looking into the books, I find the adjudications to have been much more discordant than I had supposed; and that the principles and rules of practice, in relation to this matter, yet remain to be settled. That we may have a clear and distinct view of the nature and extent of the subject, I shall endeavor, briefly to explain, and illustrate such points and distinctions in regard to the course of proceedings in Chancery, as have a bearing upon the matters I am now called upon to decide.

The learning of the law is so chained together, that it can only be well understood in its several parts; or in any manner safely applied to new cases as they arise, by clearly apprehending and \*constantly recurring to its reason. *Ratio est anima legis.*

*Co. Litt.* 394. The reason and spirit of cases make law, not **134** the letter of particular precedents. *Fisher v. Prince*, 3 Burr. 1364. The law does not consist in particular cases, but in general principles which run through the cases and govern the decision of them. *Rust v. Cooper*, *Coop.* 632. All doubtful points are decided by an application of general principles to the particular case. *Silk v. Prime*, 1 Bro. C. C. 138. It is the office of an expositor of the law to make such a construction as not only to reconcile the same author with himself; but also to remove all apparent jars and conflicts, that may be found to exist among the various reported judgments upon the same subject, so that all, if possible, may stand together. *The Case of Fines*, 3 Co. 84. It is also necessary constantly to bear in mind, that the names of things are for avoiding of confusion diligently to be observed. *Nomina si nescis; perit cognitio rerum. Et nomina si perdas, certe distinctio rerum perditur.* *Co. Litt.* 86, b. A confusion of terms in any science tends to confound the science itself, by destroying that precision of ideas, that distinction amongst objects, which is the very groundwork of all knowledge. Therefore, without considering the weight of names, I shall look to the reasons given for the several judgments it may become necessary for me to notice and examine. *Doe. v. Lancashire*, 5 T. R. 62.

A plaintiff should, in his bill, set forth, in a brief, but clear manner, all the facts and circumstances out of which those principles